

IC 12-17-16

Chapter 16. Indiana Kids First Trust

IC 12-17-16-1

Purpose

Sec. 1. (a) The purpose of the Indiana kids first trust program and this chapter is to recognize that:

- (1) the children of the state are its single greatest resource;
- (2) children require the utmost protection to guard their future and the future of the state;
- (3) it is in the public interest to protect children from abuse and neglect; and
- (4) it is in the public interest to reduce infant mortality.

(b) Beginning with the state fiscal year beginning on July 1, 1995, the Indiana kids first trust program will provide funds for community programs that prevent child abuse and neglect.

(c) Beginning with the state fiscal year beginning July 1, 1998, the Indiana kids first trust program shall provide funds for community programs that reduce infant mortality from the infant mortality account established under section 13.5 of this chapter.

As added by P.L. 62-1994, SEC.2. Amended by P.L. 120-1997, SEC.1; P.L. 216-2003, SEC.12.

IC 12-17-16-2

"Board" defined

Sec. 2. As used in this chapter, "board" refers to the Indiana kids first trust fund board established by section 5 of this chapter.

As added by P.L. 62-1994, SEC.2. Amended by P.L. 216-2003, SEC.13.

IC 12-17-16-3

"Fund" defined

Sec. 3. As used in this chapter, "fund" refers to the Indiana kids first trust fund established by section 12 of this chapter.

As added by P.L. 62-1994, SEC.2. Amended by P.L. 216-2003, SEC.14.

IC 12-17-16-4

"Project" defined

Sec. 4. As used in this chapter, "project" means an undertaking:

- (1) that furthers the purposes of this chapter; and
- (2) for which an expenditure from the fund may be made.

As added by P.L. 62-1994, SEC.2.

IC 12-17-16-5

Indiana kids first trust fund board

Sec. 5. (a) The Indiana kids first trust fund board is established.

(b) The purpose of the board is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the board by this chapter. The board shall approve

projects and recommend to the division that the projects receive funds under sections 12 and 13.5 of this chapter.

(c) The board shall, before January 1 of each year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved under this chapter. The budget shall be submitted to the division and the budget committee.

(d) The board may employ staff necessary to carry out the duties of the board.

As added by P.L. 62-1994, SEC.2. Amended by P.L. 120-1997, SEC.2; P.L. 190-2001, SEC.1; P.L. 216-2003, SEC.15.

IC 12-17-16-6

Members of board

Sec. 6. The board consists of the following ten (10) members:

- (1) Two (2) individuals who are not members of the general assembly, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (2) Two (2) individuals who are not members of the general assembly, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.
- (3) The director of the division or the director's designee.
- (4) Four (4) individuals appointed by the governor as follows:
 - (A) One (1) individual who represents the general public.
 - (B) Two (2) individuals who represent child advocacy organizations.
 - (C) One (1) individual who represents the medical community.
- (5) The commissioner of the state department of health or the commissioner's designee. An individual designated by the commissioner under this subdivision must have knowledge of or experience in issues relating to:
 - (A) the prevention of child abuse and neglect; and
 - (B) the reduction of infant mortality.

As added by P.L. 62-1994, SEC.2. Amended by P.L. 120-1997, SEC.3; P.L. 190-2001, SEC.2.

IC 12-17-16-7

Chairperson and vice chairperson of board

Sec. 7. (a) The members shall annually choose a chairperson and vice chairperson from among the members of the board under this section.

(b) The director of the division or the director's designee may not serve as chairperson or vice chairperson.

(c) If the member chosen as chairperson was appointed as a member by the president pro tempore of the senate or the speaker of the house of representatives, the vice chairperson must be chosen from among the members appointed by the governor. If the member

chosen as chairperson was appointed as a member by the governor, the vice chairperson must be chosen from among the members appointed by the president pro tempore of the senate or the speaker of the house of representatives.

As added by P.L.62-1994, SEC.2. Amended by P.L.91-1996, SEC.4.

IC 12-17-16-8

Meetings, quorum, and voting of board

Sec. 8. (a) The board shall meet at least quarterly and at the call of the chair.

(b) Six (6) voting members of the board constitute a quorum. The board may take action only in the presence of a quorum.

(c) The affirmative vote of a majority of the members of the board is necessary for the board to take any action.

As added by P.L.62-1994, SEC.2. Amended by P.L.190-2001, SEC.3.

IC 12-17-16-9

Terms of board members

Sec. 9. (a) The term of a board member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) The term of a member expires July 1 of the second year after the member is appointed. However, a member serves at the pleasure of the appointing authority.

(c) The appointing authority may reappoint a member for a new term.

(d) The appointing authority shall appoint an individual to fill a vacancy among the members.

As added by P.L.62-1994, SEC.2.

IC 12-17-16-10

Compensation of board members

Sec. 10. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.62-1994, SEC.2.

IC 12-17-16-11

Strategic plan; project proposal and fund request method

Sec. 11. The board shall adopt and make available to the public:

- (1) a strategic plan to implement the purposes of this chapter;
- and
- (2) a method for proposing projects and requesting funds from the Indiana kids first trust fund.

As added by P.L.62-1994, SEC.2. Amended by P.L.216-2003, SEC.16.

IC 12-17-16-12**Indiana kids first trust fund**

Sec. 12. (a) The Indiana kids first trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Fees from kids first trust license plates issued under IC 9-18-30.
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the division all money in the fund for the purposes of this chapter. However, the division may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

As added by P.L.62-1994, SEC.2. Amended by P.L.216-2003, SEC.17.

IC 12-17-16-13**Use of fund money**

Sec. 13. (a) Except as provided in subsection (b), money in the fund may be used for projects that propose to accomplish the following:

- (1) The support, development, and operation in local communities of programs that prevent child abuse and neglect.
- (2) The development of innovative local programs of education and training concerning child abuse and neglect.
- (3) The promotion of public awareness of child abuse and

neglect.

(4) Statewide efforts to prevent child abuse and neglect.

(b) Money in the infant mortality account established within the fund under section 13.5 of this chapter may be used only for projects that:

(1) support, develop, and operate programs that reduce infant mortality in local communities;

(2) develop innovative local programs of education and training concerning infant mortality;

(3) promote public awareness of infant mortality; or

(4) promote statewide efforts to reduce infant mortality.

(c) Money in the fund may not be granted to a state or local unit of government.

(d) The cost of any salary and benefits paid to staff employed under this chapter:

(1) shall be paid from money in the fund; and

(2) may not exceed forty-five thousand dollars (\$45,000) during any fiscal year.

As added by P.L.62-1994, SEC.2. Amended by P.L.91-1996, SEC.5; P.L.120-1997, SEC.4; P.L.190-2001, SEC.4.

IC 12-17-16-13.5

Infant mortality account

Sec. 13.5. (a) The infant mortality account is established within the fund for the purpose of providing money for education and programs approved by the board under section 5(b) of this chapter to reduce infant mortality in Indiana. The account shall be administered by the treasurer of state.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Fees from certificates of birth issued under IC 16-37-1-11.7.

(2) Appropriations to the account.

(3) Money donated to the account.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.120-1997, SEC.5.

IC 12-17-16-14

Annual report

Sec. 14. Before October 1 of each year, the board shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared under this section for the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.62-1994, SEC.2. Amended by P.L.91-1996, SEC.6; P.L.28-2004, SEC.108.

IC 12-17-16-15

Adoption of rules

Sec. 15. The division may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.62-1994, SEC.2.